

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Edgar Beck et al.
TITLE : METHOD AND DEVICE FOR COOLING
CIRCULATING AIR
SERIAL NO : 10/536,614
FILING DATE : January 19, 2006
ART UNIT : 3753
EXAMINER : Charles S. Bushey
CONFIRMATION NO. : 2270
ATTORNEY DOCKET NO. : ZHHZ 2 00021

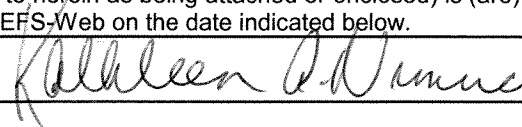
Cleveland, OH 44114
September 26, 2008

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action dated August 27, 2008, a restriction was required between the inventions of Group I, claims 1-10, drawn to a process and Group II, claims 11-21, drawn to an apparatus. Applicants were advised that the reply to this requirement must include an election of species or invention to be examined even though the requirement may be traversed, as well as an identification of the claims encompassing the elected invention.

Certificate of Mailing or Transmission	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Express Mail Label No.:	Signature: 
Date: September 26, 2008	Name: Kathleen A. Nimrichter

It was stated in the Office Action that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT rules 13.1 and 13.2 because they lack the same or corresponding special technical features. More specifically, the claims of Group I do not require the moistening device which is required by the claims of Group II. Applicant traverses this restriction requirement. More particularly, it is respectfully submitted that the moistening device is not a special technical feature, i.e., it does not define a contribution which each of the claimed inventions considered as a whole makes over the prior art.

It is respectfully submitted that claim 1 recites the feature "...with adiabatically cooled process air...". In the context of the application, adiabatically cooled process air pertains to air which is cooled by evaporation, as is disclosed on page 1 of the description. In order to generate such evaporation cooling, a fluid has to be evaporated. This evaporation of a fluid is carried out in a moistening device. Therefore, claim 1 indirectly contains a feature which corresponds to the feature of the moistening device recited in independent claim 11 of Group II.

As a result, it is respectfully submitted that the claims are drawn to a process and an apparatus specifically designed for carrying out the process. Therefore, pursuant to 37 C.F.R. 1.475(b)(4), the method and apparatus claims should be considered to have unity of invention.

However, as required in the Office Action, applicant hereby elects, with traverse, the invention of Group II, claims 11-21, drawn to an apparatus for cooling and circulating air.

Respectfully submitted,

FAY SHARPE LLP

26 Sep 2008
Date

Jay F. Moldovanyi
Jay F. Moldovanyi
Reg. No. 29,678
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582